

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

Docket No. 15-4258

EARL SPENCER BOYCE, JR.,
Defendant-Appellant.

APPELLANT'S MOTION TO DISMISS APPEAL

Under Rule 42 of the Federal Rules of Appellate Procedure and Local Rule 42, Appellant Earl Boyce, Jr. hereby moves the Court to dismiss his appeal.

In support of this motion, Appellant Boyce states the following:

1. Boyce was sentenced in open court on April 23, 2015. Boyce filed a timely notice of appeal on May 4, 2015.
2. Boyce is in the custody of the United States Penitentiary at Hazelton in Bruceton Mills, WV 26525. His register number is 21670-058.
3. After discussing the possible appeal issues in his case with undersigned counsel, Boyce has informed counsel that he does not wish to pursue his appeal.
4. Boyce asks that the Court allow him to withdraw his Notice of Appeal and that it dismiss his appeal.

5. Counsel for the government, Assistant U.S. Attorney Amy E. Ray, consents to dismissal of the appeal.

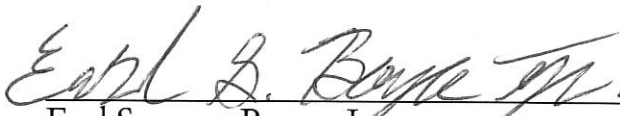
WHEREFORE, Appellant respectfully prays that the Court dismiss his appeal.

This 24th day of September, 2015.

Respectfully submitted,

Ross Hall Richardson, Executive Director
Federal Defenders of
Western North Carolina, Inc.

s/ Joshua B. Carpenter
Joshua B. Carpenter
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Counsel for Appellant Earl Spencer Boyce, Jr.


Earl Spencer Boyce, Jr.
Register # 21670-058
USP HAZELTON
United States Penitentiary
P.O. Box 2000
Bruceton Mills, WV 26525

CERTIFICATE OF SERVICE

I, Joshua B. Carpenter, Assistant Federal Defender with the Federal Defenders of Western North Carolina, hereby certify that a true and correct copy of the foregoing *Appellant's Motion to Dismiss Appeal*, was duly served on the government's counsel of record, Assistant United States Attorney Amy E. Ray by CM/ECF this 24th day of September, 2015.

s/ Joshua B. Carpenter _____
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